

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

CERTIFICATION OF
CRIMINAL CONTEMPT

05-CR-6068L

v.

GLENN HARPER,

Defendant.

Pursuant to Rule 42(b), Federal Rules of Criminal Procedure, I certify that Glenn Harper (“Harper”) committed acts of criminal contempt in my presence, in open court, at a court proceeding on June 10, 2008 during a status conference relating to his pending criminal trial.

On June 10, 2008, Harper, who is detained pending trial, was brought to court by the United States Marshals for a status conference relating to his pending trial. A suppression hearing was scheduled for that day but because of the sudden illness of the assigned prosecutor, it was necessary to discuss adjournment of the trial.

Deputy United States Marshals had advised the Court that Harper was belligerent in the cell block and was threatening that he would not peacefully enter the courtroom. I also had been advised that Harper did not wish to participate or attend any further court proceedings.

Harper has had a history of uncooperative, argumentative conduct and assaultive behavior. At a prior court proceeding on May 23, 2008, Harper repeatedly interrupted the court, shouted at the court and called the Court “racist.” At that time he was removed from the courtroom because of that

behavior. There is also evidence that Harper physically assaulted his prior assigned lawyer by punching him in the face at the Federal Detention Facility, Batavia, New York.

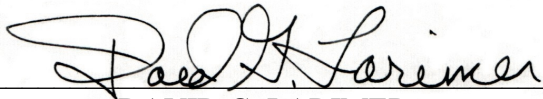
Because of these prior acts, Harper was restrained in handcuffs and shackles when brought into court on June 10, 2008. At that proceeding, when I attempted to determine if in fact Harper wished to waive his right to be present for his trial and other court proceedings, Harper repeatedly yelled at the Court, interrupted the Court on numerous occasions, and repeatedly refused to obey the Court's order that he remain silent and not interrupt the Court. On several occasions, he screamed at the Court and used foul and offensive language and ignored repeated directives by the Court and requests by Deputy United States Marshals that he cease such conduct.

For these repeated outbursts, his refusal to follow the Court's orders and disrespect for the Court, I found Harper in contempt and imposed a sentence of 4 months imprisonment to run consecutive to any sentence he might receive should he be convicted on the underlying criminal indictment. Harper was then removed from the courtroom.

I determine that Harper's behavior and his comments to the Court were abusive and disrespectful of the Court and tended to obstruct the proper administration of justice. The contempt sentence is necessary and proper to uphold and maintain the dignity and authority of the Court.

The Court incorporates, by reference, the entire proceedings occurring on June 10, 2008 and May 23, 2008.

SO CERTIFIED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
June 17, 2008.